

S/N 09/837,138

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John H.J. Petrini et al.

Examiner: Karen Canella

Serial No.: 09/837,138

Group Art Unit: 1642

Filed: April 18, 2001

Docket: 800.019US3

Title: METHODS TO ALTER LEVELS OF A DNA REPAIR PROTEIN

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RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
Washington, D.C. 20231

In response to the Restriction Requirement mailed November 6, 2002, Applicant elects, with traverse, the claims of Group I (claims 5-6, 22, and 26-27, and claims 20-21, in part), directed to methods of altering the amount of a DNA repair polypeptide (p95) in a cell and a host cell prepared by the methods. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are so closely related within the context of the disclosure of the application that they cannot properly be considered independent and distinct within the statutory meaning of 35 U.S.C. § 121. In particular, the claims in Group I (claims 5-6, 22 and 26-27, and 20-22, in part), directed to a method of altering the amount of p95 in a cell, and a host cell prepared by the methods are clearly related to the claims in Group II (claims 16, 18 and 23-25), directed to a transgenic mouse comprising a chimeric DNA sequence encoding p95 and a recombinant mouse that does not encode a functional p95, and the claims in Group III (claims 17 and claims 20-21, in part), directed to a method of using such a transgenic mouse to screen for agents which can modulate p95.

Moreover, the Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may arguably include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of the claims in Group I-III would not be a serious burden to the Examiner.

Thus, the Restriction Requirement is properly traversed. Reconsideration and withdrawal is respectfully requested.

The Examiner is invited to contact Applicant's Representative if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN H.J. PETRINI ET AL.,

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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(612) 373-6959

Date

December 3, 2002

By

Janet E. Embretson

Janet E. Embretson

Reg. No. 39,665

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Name

Dawn M. Poole

Signature

Dawn M. Poole



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John H.J. Petrini et al.

Title: METHODS TO ALTER LEVELS OF A DNA REPAIR PROTEIN (as amended)

Docket No.: 800.019US3

Serial No.: 09/837,138

Filed: April 18, 2001

Due Date: December 6, 2002

Examiner: Karen Canella

Group Art Unit: 1642

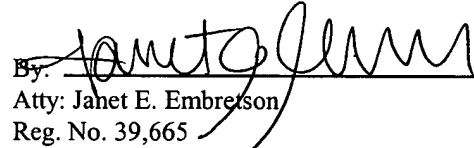
Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

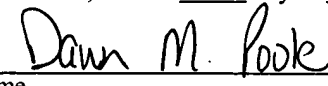
- ☒ A return postcard.
- ☒ Response to Restriction Requirement (2 Pages).

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: 
Atty: Janet E. Embretson
Reg. No. 39,665

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